

A RESOLUTION of the Common Council of the City of Fort Wayne approving Rules and Regulations, Right-of-Way Occupancy in connection with persons or organizations seeking a permit.

WHEREAS, the Common Council of the City of Fort Wayne has adopted Ordinance S-54-85, entitled "Fees for Use of Rights-of Way," and

WHEREAS, said Ordinance extended authority to the Board of Public Works and Safety to charge additional sums for other uses of its rights-of-way; and

WHEREAS, the Board of Public Works and Safety has prepared such Rules and Regulations for Right-of-Way Occupancy.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the Rules and Regulations, Right-of-Way Occupancy, of the Board of Public Works and Safety with respect to permits and fee schedule are hereby approved and ratified. Two copies of said rules and regulations are available for inspection in the office of the Clerk of the City of Fort Wayne and are incorporated herein by reference.

SECTION 2. That this Resolution shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

*Janet G. Bradbury*  
Councilmember

APPROVED AS TO FORM  
AND LEGALITY

*J. Timothy McCaulay*  
J. Timothy McCaulay, City Attorney

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## BOARD OF PUBLIC WORKS AND SAFETY

## RULES AND REGULATIONS

## RIGHT-OF-WAY OCCUPANCY

Pursuant to its rule making authority specified under Section 25-1(c) of the Municipal Code of the City of Fort Wayne, the Board of Public Works and Safety for the City of Fort Wayne hereby adopts the following rules and regulations governing the use of the City of Fort Wayne Rights-of-Way by those persons or organizations seeking a permit pursuant to paragraph (B) of Section 25-1 of the Municipal Code of the City of Fort Wayne, Indiana.

**1.) APPLICATION REQUIRED**

a.) Not less than 48 hours prior to the anticipated occupancy of any city right-of-way in the case of street closures, and not less than 14 days prior to the anticipated occupancy in the case of structures, parties seeking such occupancy shall make application to the Board of Public Works and Safety on the form provided therein.

b.) Said application shall be made at the City Right-of-Way Department.

c.) Said application shall contain an adequate description of the use to be made of the occupied portion of city right-of-way including the size, location, purpose and type of structure to be located thereupon.

**2.) DEPARTMENTAL APPROVALS REQUIRED**

Before any permit shall be granted, the same shall be reviewed by and approved by the Police and Traffic Engineering Department.

**3.) CONDITIONS OF PERMIT**

a.) INDEMNITY:

No permit shall be granted unless applicant shall have undertaken to indemnify and save harmless, the City of Fort Wayne of and from any and all losses or claims

which may be asserted by anyone by reason of the granting of such permit and the occupancy of right-of-way by applicant.

b.) FEE:

Applicant shall pay the fee hereinafter specified.

c.) RESTORATION:

Applicant shall covenant to restore the right-of-way at the conclusion of occupancy.

d.) BARRICADES AND SIGNS:

All barricades and signs shall conform with the latest revision of the Indiana Manual on Uniform Traffic Control Devices (copies of which are available for purchase from the Right-of-Way Department) as well as any additional requirements deemed appropriate by the Traffic Engineering Department when necessitated by special or additional safety considerations. Permittees shall bear the expense of obtaining, erecting, maintaining and removing barricades and signs unless the Board of Public Works and Safety shall grant an exception in the case of not for profit civic events such as parades, festivals, races, marathons, block parties, and the like. Applicant shall also designate a representative and 24-hour phone number for notification by City when maintenance of barricading is required.

4.) FEES SCHEDULE

SINGLE POINT BARRICADING:

Type Street	Complete Closure	Traffic Lane Restrictions	Non Traffic Restrictions
Residential	\$50.00/week	\$20.00/week	\$20.00/week
Collector	\$60.00 plus \$30.00/day/lane	\$30.00/day/lane	\$20.00/week
Arterial	\$100.00 plus \$50.00/day/lane	\$50.00/day/lane	\$20.00/week

MULTI POINT BARRICADING:

0 - 5 MILES	6 - 10 MILES	11+ MILES
\$500.00	\$1000.00	\$100.00/MILE

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5.) PENALTY FOR VIOLATION

Any person who fails to obtain the necessary right-of-way occupancy permit is guilty of a misdemeanor and shall be penalized one hundred dollars (\$100.00) per day until such time as an approved permit is obtained, in addition to becoming liable for the appropriate fee from the date said occupancy begins. Enforcement proceedings may be initiated upon complaint by the Right-of-Way Department or any affected individual.

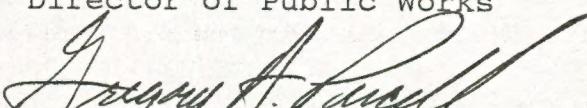
6.) EFFECTIVE DATE OF RULES AND REGULATIONS

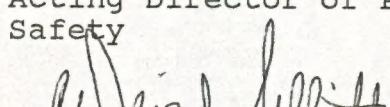
These rules and regulations shall become effective upon the adoption of a Resolution ratifying the same by the Common Council of the City of Fort Wayne.

APPROVED AND ADOPTED THIS 10<sup>th</sup> DAY OF August, 1988.

BOARD OF PUBLIC WORKS AND SAFETY

  
Angela S. Derheimer  
Director of Public Works

  
Gregory A. Purcell  
Acting Director of Public  
Safety

  
C. David Silletto  
Director of Administration &  
Finance

ATTEST: Helen W. Gocherman  
Clark

Read the first time in full and on motion by Bradbury,  
seconded by Zelma, and duly adopted, read the second time by  
title and referred to the Committee on Regulations (and the  
City Plan Commission for recommendation) and Public Hearing to be held after  
due legal notice, at the Council Conference Room 128, City-County Building,  
Fort Wayne, Indiana, on \_\_\_\_\_, the \_\_\_\_\_, day  
of \_\_\_\_\_, 19\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

DATED: 8-23-88

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Bradbury,  
seconded by O'Gallagher, and duly adopted, placed on its  
passage. PASSED LOST by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
<u>TOTAL VOTES</u>	<u>4</u>	<u>4</u>		<u>1</u>
<u>BRADBURY</u>		<u>✓</u>		
<u>BURNS</u>		<u>✓</u>		
<u>GiaQUINTA</u>	<u>✓</u>			
<u>HENRY</u>		<u>✓</u>		
<u>LONG</u>	<u>✓</u>			
<u>REDD</u>	<u>✓</u>			
<u>SCHMIDT</u>		<u>✓</u>		
<u>STIER</u>				<u>✓</u>
<u>TALARICO</u>	<u>✓</u>			

DATED: 9-13-88

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,  
Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)  
(SPECIAL) (ZONING MAP) ORDINANCE RESOLUTION NO. \_\_\_\_\_

on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_,

ATTEST

SEAL

SANDRA E. KENNEDY, CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on  
the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_,  
at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this \_\_\_\_\_ day of \_\_\_\_\_,  
19\_\_\_\_\_, at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

PAUL HELMKE, MAYOR

Admn. Appr. \_\_\_\_\_

DIGEST SHEET

TITLE OF ORDINANCE RESOLUTION

Q-88 08-38

DEPARTMENT REQUESTING ORDINANCE BOARD OF PUBLIC WORKS AND SAFETY

SYNOPSIS OF ORDINANCE Resolution ratifying and approving Rules and Regulations, Right-of-Way in connection with permits and fees for for use of the City of Fort Wayne Rights-of-Way.

EFFECT OF PASSAGE Permits and fees could not be issued and charged by the Board of Public Works and Safety

EFFECT OF NON-PASSAGE \_\_\_\_\_

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS) \_\_\_\_\_

ASSIGNED TO COMMITTEE (PRESIDENT) \_\_\_\_\_

BILL NO. R-88-08-38

~~Hold off~~  
9/13/88

Mark Hensee

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS  
REFERRED AN (~~XXXXXX~~) (RESOLUTION) of the Common Council  
of the City of Fort Wayne approving Rules & Regulations,  
Right-of-Way Occupancy in connection with persons or  
organizations seeking a permit

HAVE HAD SAID (ORDINANCE)X (RESOLUTION) UNDER CONSIDERATION  
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID  
(ORDINANCE)X (RESOLUTION) \_\_\_\_\_

YES

NO

~~JANET G. BRADBURY  
CHAIRPERSON  
MARK E. GIAQUINTA  
VICE CHAIRMAN  
CHARLES B. REDD~~

DAVID C. LONG

PAUL M. BURNS

Sandra E. Kennedy  
City Clerk